

House Bill 79  
January 19, 2009  
Presented by Bob Lane  
House Natural Resources Committee

Mr. Chairman and committee members, I am Bob Lane, Chief Legal Counsel for Montana Fish, Wildlife & Parks (FWP). FWP opposes HB 79.

FWP's mission includes the conservation of fish and wildlife habitat and the acquisition of sites for public recreation. To achieve these objectives, the Montana Legislature, over a period of several decades, has provided the department and FWP commission with both the authority and funding to acquire land. For example:

- ☐ Habitat Montana provides earmarked funding that "... must be used exclusively by the commission to secure, develop and maintain wildlife habitat ..." (87-1-242 (1), MCA).
- ☐ 87-1-209 (1), MCA authorizes FWP to "develop, operate and maintain acquired lands or waters" for "public hunting, fishing or trapping areas" and for "state parks and outdoor recreation."
- ☐ And on an annual basis, the Montana Legislature appropriates funding through HB 5 for FWP to purchase state parks, fishing access sites and wildlife management areas.

FWP goes through an extensive public decision making process in order to purchase land. Under current law, FWP must solicit and respond to public comment on an environmental review, hold a public hearing in some instances, receive approval from the FWP Commission, which provides a second opportunity for public comment and in most instances, receive approval from the Land Board, which provides a third opportunity for public comment. These steps ensure that the public interest is protected whenever FWP acquires an interest in land, and as a general statement, FWP has received strong public support for our acquisition of fishing access sites, state parks and wildlife management areas.

FWP is required by law to pay property taxes to counties on most of the land it owns "in a sum equal to the amount of taxes which would be payable ... on the property if it were it taxable to a private citizen" (87-1-603, MCA). Last year, we paid a total of over \$500,000 in property taxes to 38 counties.

Mr. Chairman and members of the committee, I realize that some people are philosophically opposed to government acquisition of land. And still other people oppose the use of conservation easements, as evidenced by other bill drafts requested this session. FWP has been responsible in how it acquires land and in our balanced use of fee title acquisition, conservation easements and leases. Our land projects are supported and expected by the public, FWP pay taxes on the land we own, and our recreational sites generate significant economic activity for local communities through fishing, hunting and recreation.

HB 79 seeks to solve a problem that has already been solved, and I urge you to kill this bill.